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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Appl. No. | : | 09/747,871 | Confirmation No. | : | 3705 |
| Applicant | : | Peter E. DAVIS et al. | | | |
| Filed | : | 12/22/2000 | | | |
| TC/A.U. | : | 2178 | | | |
| Examiner | : | Thu V. HUYNH | | | |
| Docket No. | : | POU920000178US1 | | | |
| Customer No. | : | 23334 | | | |

37 C.F.R. 1.131 DECLARATION

I, each and every one of the undersigned inventors of the above-referenced patent application, hereby declare the following:

- 1) The pending claims of our above identified patent invention were rejected under 35 U.S.C. § 103(a) based on the prior art of Kutay et al., (U.S. Pat. Pub. No. 2002/0026461 A1) with a filing date of June 5, 2001 and claiming priority to provisional application No. 60/209,713, filed on June 5, 2000.
- 2) The invention described in the above-referenced patent application was reduced to a writing prior to the June 5, 2000 priority date of Kutay et al. In particular, *Franklin Content Management Prototype* documentation (exhibit A), upon which the above referenced patent application was based, is attached herewith. The documentation is a comprehensive specification and installation of the inventive system (see the table of contents of this document for the full detail) created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention. It includes everything from an Installation guide, configuration, setup of the DB and a Franklin workspace for content management, setting up of users, roles, and includes code snippets of communication between components and error codes.
- 3) Additionally, the invention described in the above-referenced patent application was reduced to actual practice prior to the June 5, 2000 priority date of Kutay et al. Proof of actual reduction to practice upon which the presently claimed invention was based is attached herewith and will be described in detail below.
- 4) Submitted herewith as evidence of actual reduction to practice prior to the June 5, 2000 priority date of Kutay et al. are the following exhibits:
 Exhibit B: Assignments passed out to users prior to the June 5, 2000 priority date of Kutay et al. to test users who were evaluating the integration between two systems: the present invention and "Kittyhawk" prior to the June 5, 2000 priority date of Kutay et al. The scenarios ask users to do different actions in the present invention's UI, which would show that there was a running system

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that could support users prior to the June 5, 2000 priority date of Kutay et al. The document describes the integration of the two systems, and shows the request/responses part of the communication between the two systems.

- Exhibit C: A copy of a State chart of the invention's DB with each possible state of a fragment when stored in the invention's DB. The State chart was created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrates features of the presently claimed invention.
- Exhibit D: Copies of HTML pages created by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention. The HTML pages describe to users how to install the inventive client and issue commands to manage documents, such as Check in, Check out, review, publish and describes the fragment/servable relationship to users.
- Exhibit E: A synthesis of all feedback from a user acceptance testing of the Invention, run prior to the June 5, 2000 priority date of Kutay et al. It includes a list of things users liked and did not like, which evidences that users were using the running end-to-end inventive system with features of the presently claimed invention prior to the June 5, 2000 priority date of Kutay et al. In particular, it is stated on page 3 (Executive Summary) that "Participants liked that Franklin:... Provides the ability to change content once and have the changes appear in multiple places..."
- Exhibit F: A copy of brief notes identified during a code review of the invention's server code made prior to the June 5, 2000 priority date of Kutay et al.
- Exhibit G: An email correspondence to persons other than the inventors of the present invention, listing the internet address for accessing, and instructions on how to use, the working prototype system created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention.
- Exhibit H: An email correspondence with reviewer feedback on the working prototype system created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention.
- Exhibit I: Copies of several screenshots of the working prototype system created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention. These screenshots show lists of XML documents having content objects and content fragments which are named and linked through the entry fields.
- Exhibit J: A copy of a section of the source code file that was created and used by the inventors prior to the June 5, 2000 priority date of

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Kutay et al. and that implemented part of a working prototype system that performed features of the presently claimed invention.

- 5) The evidence submitted herewith supports the reduction to practice. The following table is submitted to show how each claim element is supported and that the test results unequivocally establish this software existed and worked for its intended purpose.

Claim1 is an example. The other independent claims (9 & 19) recite identical limitations.

| Claim Elements | Evidence in Exhibit |
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| <u>defining a first XML document and a second XML document based upon one or more reusable content objects, whereby at least one of the content objects includes at least one object dependency graph that identifies content object dependency across the first XML document and the second XML document using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document;</u> | <p>I) Exhibit A, page 11, item 6, step 6 states: "A fragment can include other fragments as subfragments..."</p> <p>II) Exhibit A, page 13, item 2 states: "A servable can include one or more subfragments..."</p> <p>III) Exhibit A, page 15, last paragraph states: "Because the servable includes content from subfragments..."</p> <p>IV) Exhibit A page 42 (Dependency Parser), the Franklin Dependency Parser reads through XML objects that have been checked in and detects two types of dependencies:</p> <p>I. Servables and fragments can include subfragments, these get stored as an edge of type "composition in the Daedalus Object Dependency Graph (ODG);</p> <p>II. Compound fragments include an associated content file, this dependency gets stored as an edge type "composition" in the ODG.</p> <p>Servables can include style sheets, these get stored as an edge type "stylesheet" in the ODG.</p> <p>V) Exhibit D, page 2 of 3 (first paragraph) A page includes one or more subfragments. ...</p> |
| <u>building the first XML document so as to form a self-contained accumulation of the one or more content objects in accordance with the</u> | <p>I) Exhibit A, page 15 (Step 7) "For each servable DTD, you need to define one or more XSL style sheets that will be assembled with the servable XML and the XML of any subfragment into the final published pages...."</p> |

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| <u>object dependency graph;</u> | II) Exhibit A, page 15 (last paragraph) "Before page assembly, a servable is temporarily rewritten to include the content of all subfragments...." |
| <u>building the second XML document so as to form a self-contained accumulation of the one or more content objects in accordance with the object dependency graph;</u> <u>and</u> | Exhibit D, page 2 of 3 (Approval document) "For a fragment, the list consists of all final HTML pages of all servables that include the fragment as a subfragment. For a servable, the list consists of all final HTML pages of that servable." |
| <u>in response to a value of the content objects being modified, a change is made across one or more output pages concurrently by automatically invoking an XSL transformation engine so as to produce the output pages.</u> | <p>I) Exhibit A, page 44 (first paragraph) "When a fragment is checked in to the Content Store" and "The page assembler then pulls in the contents...."</p> <p>II) Exhibit A, page 43 (second paragraph) The Franklin Page Assembler expands a servable by including the contents of all included subfragments, and combines the resulting XML with the one or more style sheets using LotusXSL to produce HTML output files.</p> <p>III) Exhibit E, page 3 (Executive Summary) ... Participants liked that Franklin: ... Provides the ability to change content once and have the changes appear in multiple places.</p> |

We, the undersigned, declare all of the above statements are made on our own knowledge, the above statements are true and correct, and the above statements are made on information that we believe to be true. We understand that false statements or concealment in obtaining a patent will subject us to fine and/or imprisonment or both (18 U.S.C. §1001) and may jeopardize the validity of the above identified patent application or any application issuing therefrom.

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